HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting.)

(Chapter VIII Rule 32 (2)(b)
Description of the case.

WPSS No. 212/2006

Manoj Kumar Ravi

Vs

State and others

Approved for reporting.

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~~Not approved for reporting~~

Date of decision 27.02.2006

Initial of Judge

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 212(SS) OF 2006

Manoj Kumar Ravi,
S/o Sri Bhagwat Prasad,
R/o 83/1 Arya Nagar, Block IInd,
District Dehradun. .....Petitioner.

Versus

1. State of Uttaranchal through its Revenue Secretary.
2. District Magistrate, Dehradun.
3. Additional District Magistrate (Administration), Dehradun. .....Respondents.

Sri M.S. Chauhan, Advocate for the petitioner.
Learned Standing Counsel for the State.

Dated:27.02.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to provide the appointment to the petitioner on the post of driver on the basis of his selection and the petitioner has been kept in the waiting list at Serial No. 3. The petitioner has further prayed for a writ of mandamus directing the respondents to pay regular salary to the petitioner on the post of driver.

2. Brief facts according to the case of the petitioner are that he applied for the post of Driver in the District Dehradun, where there are 19 posts of driver sanctioned in the District Magistrate Office, where out of 11 posts on two posts the regular driver are working namely Sri Om Prakash and Tej Bahadur. In pursuance of the Hon'ble Court's order out of 19 posts at present 13 posts are filled and six posts are lying vacant for which the interview has been conducted by the respondents on 24.12.2005. The

Petitioner also appeared in the said interview and his name was shown at Serial No.3 in waiting list in District Dehradun.

3. The petitioner has submitted that due to untimely death of Sri Dwarika Prasad, driver who was working in the aforesaid department, one post is lying vacant since 14.11.2005.

4. The candidate shown at Serial No. 1 in waiting list i.e. Mr. Santosh Rawat has informed to the respondent 2 in respect of his appointment in Khadi Gramodhyog Board, Uttaranchal on the post of Driver.

5. Petitioner has submitted that the respondents no. 2 wrote a letter to Generla Manager of Khadi Gramodhyog, Dehradun on 08.12.2005 for verification of the averments made by Sri Santosh Rawat in respect of his appointment, and the Uttaranchal Khadi Board informed the respondent no. 2 that Sri Santosh Rawat, S/o Sri Puran Singh Rawat, R/o 175 Dharampur, Dehradun has been appointed on the post of driver and he has resumed his service on 25.01.2005, and categorically stated that Sri Santosh Rawat has been appointed in their department on the post of Driver vide order dated 09.12.2005 which has been endorsed in the letter dated 08.12.2005.

6. The petitioner has submitted that the candidate shown in waiting list at serial No. 2 died on 25.07.2005 and the same has already been registered on 27.07.2005 in Municipality Register. The death certificate was also issued by the authority concerned where the date of death has been mentioned in the certificate.

7. The petitioner has submitted that he has collected the information under the Right to Information Act and subsequently applied for the vacant post on 26.11.2005.

8. The respondent no. 3 has appraised the respondent no.2 after verifying all the relevant documents and information sent by the petitioner in respect of the candidates shown at Serial No. 1 & 2 and thereafter the respondent no. 3 wrote a letter to

respondent no. 2 for appointment of the petitioner on the vacant post of driver at Tehsil Kalsi, District Dehradun because the waiting list survives for one year, by which respondents no.3 has recommended the case of the petitioner after verifying all the facts in respect of the waiting list candidates shown at Serial No. 1 and 2.

9. The grievance of the petitioner is that despite verification made about the averments made by the petitioner about the waiting list candidates, the respondent no. 2 is not appointing the petitioner on the vacant post.

10. In view of the above, the respondent no. 2 is directed to decide the representation filed by the petitioner filed on 26.11.2005 within a period of six weeks from the date of presentation of the certified copy of the order in the light of the information given by the office concerned on 14.12.2005.

11. Writ petition is disposed of accordingly. No order as to costs.

(Rajesh Tandon, J.)

27.02.2006
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